

1 Matthew F. Holmberg  
2 Attorney at Law: 321167  
3 Law Offices of Lawrence D. Rohlwing, Inc., CPC  
4 12631 East Imperial Highway Suite C-115  
5 Santa Fe Springs, CA 90670  
6 Tel.: (562) 868-5886  
7 Fax: (562) 868-8868  
8 E-mail: rohlfing.office@rohlfinglaw.com

9 Attorneys for Plaintiff  
10 Israel Modesto Martinez

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

ISRAEL MODESTO MARTINEZ, ) Case No.: 2:22-cv-02044-AC  
12 Plaintiff, )  
13 vs. ) STIPULATION AND PROPOSED  
14 MARTIN O'MALLEY, ) ORDER FOR THE AWARD AND  
15 Commissioner of Social Security, ) PAYMENT OF ATTORNEY FEES  
16 Defendant. ) AND EXPENSES PURSUANT TO  
17 ) THE EQUAL ACCESS TO JUSTICE  
18 ) ACT, 28 U.S.C. § 2412(d) AND  
19 ) COSTS PURSUANT TO 28 U.S.C. §  
20 ) 1920  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )

TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF  
THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their  
undersigned counsel, subject to the approval of the Court, that Israel Modesto  
Martinez ("Modesto Martinez") be awarded attorney fees and expenses in the  
amount of four thousand three hundred twenty-six dollars and eleven cents  
(\$4,326.11) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),  
and no costs under 28 U.S.C. § 1920. This amount represents compensation for all

1 legal services rendered on behalf of Plaintiff by counsel in connection with this  
2 civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

3       After the Court issues an order for EAJA fees to Modesto Martinez, the  
4 government will consider the matter of Modesto Martinez's assignment of EAJA  
5 fees to Matthew F. Holmberg. The retainer agreement containing the assignment  
6 is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),  
7 the ability to honor the assignment will depend on whether the fees are subject to  
8 any offset allowed under the United States Department of the Treasury's Offset  
9 Program. After the order for EAJA fees is entered, the government will determine  
10 whether they are subject to any offset.

11       Fees shall be made payable to Modesto Martinez, but if the Department of  
12 the Treasury determines that Modesto Martinez does not owe a federal debt, then  
13 the government shall cause the payment of fees, expenses and costs to be made  
14 directly to Law Offices of Lawrence D. Rohlfing, Inc., CPC, pursuant to the  
15 assignment executed by Modesto Martinez.<sup>1</sup> Any payments made shall be  
16 delivered to Matthew F. Holmberg.

17       This stipulation constitutes a compromise settlement of Modesto Martinez's  
18 request for EAJA attorney fees, and does not constitute an admission of liability on  
19 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount  
20 shall constitute a complete release from, and bar to, any and all claims that  
21 Modesto Martinez and/or Matthew F. Holmberg including Law Offices of  
22 Lawrence D. Rohlfing, Inc., CPC may have relating to EAJA attorney fees in  
23 connection with this action.

24

---

25       <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
26 under federal law against the recovery of EAJA fees that survives the Treasury  
Offset Program.

This award is without prejudice to the rights of Matthew F. Holmberg and/or the Law Offices of Lawrence D. Rohlfing, Inc., CPC to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: March 27, 2024      Respectfully submitted,

## LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

/s/ *Matthew F. Holmberg*<sup>2</sup>

BY:

Matthew F. Holmberg  
Attorney for plaintiff Israel Modesto Martinez

DATED: March 27, 2024

PHILLIP A. TALBERT  
United States Attorney  
MATTHEW W. PILE  
Associate General Counsel  
Social Security Administration

/s/ Kendall Rees

---

KENDALL REES  
Special Assistant United States Attorney  
Attorneys for Defendant  
MARTIN O'MALLEY, Commissioner of Social  
Security (Per e-mail authorization)

## ORDER

Approved and so ordered:

DATE: April 1, 2024

Allison Claire  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

<sup>2</sup> Counsel for the plaintiff attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26